

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.593 of 2022

Arising Out of PS. Case No.-175 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

1. Badshah Yadav Son of Hardev Yadav R/o- Vill-Gamharia, P.S.-Yadopur, District-Gopalganj.
2. Shiv Prasad Yadav Son of Late Rajendra Yadav, R/o- Vill- Gamharia, P.O.- Baraipatti, P.S.- Yadopur, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home Affair, Govt. of Bihar, Patna.
2. The Director General of Police, Bihar.
3. The Inspector General of Police, Bihar, Patna.
4. The Deputy Inspector General of Police, Saran Division, Siwan.
5. The Superintendent of Police, Gopalganj.
6. The Deputy Superintendent of Police, Gopalganj.
7. The S.H.O., Kuchaikote, Gopalganj.
8. Manoj Ram Son of Late Laljee Ram, R/o- Vill- Narayanpur, P.S.- Kuchaikote, Dist- Gopalganj.
9. Usha Devi Wife of Manoj Ram, R/o- Vill- Narayanpur, P.S.- Kuchaikote, District- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Adv.
For the Respondent/s : Mr. Prabhat Kumar Verma, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-04-2023 Heard learned counsel for the petitioner and learned counsel for the State.

The present Cr. Writ Petition has been filed for quashing of bearing Kuchaikote P.S. Case No. 175 of 2021, dated 02.05.2021 lodged under Section 341, 323, 324, 325, 307, 379, 504/34 of the Indian Penal Code read with Section 3(i)(r)



(s) & 3(2)(va) of the SC/ST Act.

Learned counsel for the petitioner submits that informant and his wife i.e. respondent Nos. 8 & 9 have filed three false cases against the petitioners within three months which is annexed as Annexure-1 series. He also submits that the informant is in habit of filing false cases against the petitioners and others and it is due to this reason the Court itself acknowledged and filed a criminal case which is annexed as Annexure-3 bearing Gopalganj P.S. Case No. 78 of 2016 on the instance of the Court itself. In this view of the matter, the petitioners seeks for quashing of present F.I.R.

Learned counsel for the State submits that in paragraph No. 6 of counter affidavit, the statement of S.H.O. has come that petitioners of present writ petition have been enlarged on bail. He further submits that involvement of Chhathu Yadav, Amarjeet Yadav, Vijay Yadav, Suraj Yadav and Hansraj Yadav have not been found in the investigation. He further submits that investigation against Vikas Yadav is pending who is in foreign. It has also come that investigation of the present case is still pending and the petitioners ought to wait for final outcome of the investigation.

Learned counsel for the State submits that at this



juncture the petitioners may be directed to avail remedy before the Superintendent of Police in the light of order passed in the case of ***Surendra Singh Vs. State of Bihar and others*** on 09.09.2022 in ***Cr. W.J.C. No. 153 of 2017*** with analogous cases.

In the above facts and circumstances and the submissions made above, the petitioners are directed to file representation before the Superintendent of Police, Gopalganj in the light of order passed in the case of ***Surendra Singh Vs. State of Bihar and others*** on 09.09.2022 in ***Cr. W.J.C. No. 153 of 2017*** with analogous cases within four weeks from the date of passing of this order. If he feel so, the remedy is also granted to the petitioners to file representation before the Chief Judicial Magistrate, Gopalganj also in the light of order passed in the case of ***Surendra Singh Vs. State of Bihar and others*** (supra) within four weeks from the date of passing of this order.

The Superintendent of Police, Gopalganj is directed to take appropriate decision on the representation of petitioners and if found that informant and his wife are in habit of filing false cases then decision shall be taken within fixed period of time as mentioned in the case of ***Surendra Singh Vs. State of Bihar and others*** (supra).

Till filing of final report under Section 173 (2) of



Cr.P.C. or further report under Section 173 (8) of Cr.P.C. no coercive step shall be taken against the petitioners in connection with Kuchaikote P.S. Case No. 175 of 2021.

With the aforesaid direction, the present Cr. Writ Petition is hereby disposed off.

(Dr. Anshuman, J.)

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